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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 DONALD F. CHIARIELLO,)
11 Plaintiff(s),) No. C04-1076 CW (BZ)
12 v.)
13 I.N.G. GROUPE NV,) **ORDER RE PLAINTIFF'S**
14 Defendant(s).) **MOTION TO COMPEL**
15 _____)

16 Having reviewed the papers filed by both sides, I find
17 that there is no need for oral argument. I also find that
18 plaintiff's requests are generally over broad and often not
19 relevant to the claims or defenses presented in this
20 lawsuit. Plaintiff has not alleged a bad faith claim
21 against defendant, if he can, and it is not permissible to
22 take discovery in this lawsuit for the purpose of preparing
23 for another lawsuit. See Fed. R. Civ. P. 26(b)(1) advisory
24 committee's notes (2000 amend.). Ordinarily, I would deny
25 plaintiff's motion since I do not rewrite a party's
26 discovery requests. However, to expedite the completion of
27 discovery in this matter, **IT IS HEREBY ORDERED** that
28 plaintiff's Motion To Compel, as amended by his reply, is

1 **GRANTED** or **DENIED** as follows:

2 1. **GRANTED** as to requests number 5 and 9 to the
3 extent they seek documents with respect to the development
4 of the application form, the processing of plaintiff's
5 application, the issuance of his policy, his claim for the
6 loss of the boat, the decision to deny his claim, and
7 defendant's affirmative defense and counterclaims.

8 2. **GRANTED** as to requests number 1b, c, & d, to the
9 extent that the requests are limited to the claim plaintiff
10 makes in this lawsuit.

11 3. **DENIED** as to requests number 1a, e, f & g as being
12 over broad or being cumulative to 1b, c & d.

13 4. **GRANTED** as to 1h to the extent that it seeks the
14 folders of files that are to be produced pursuant to this
15 Order.

16 5. **DENIED** as to 1i, which seems cumulative of the
17 other requests in that plaintiff is entitled to the
18 documents either electronically or as hard copy but not
19 both unless defendant keeps them both electronically and
20 hard copy.

21 6. **GRANTED** as to 1j to the extent that it seeks
22 images of the ATTU and documents which relate to the issue
23 of whether plaintiff sailed without a crew.

24 7. **DENIED** as to request no. 10.

25 8. **GRANTED** as to request no. 11.

26 9. With respect to interrogatory no. 13, defendant
27 has 10 days to provide further information if it wishes.
28 If not, defendant will be precluded from producing further

1 information at trial with respect to these three
2 affirmative defenses.

3 10. **DENIED** with respect to interrogatory no. 17.
4 Whether the answer is incorrect is a legal conclusion.

5 All documents are to be produced within 20 days. To
6 the extent that this Order encompasses documents as to
7 which defendant asserts the attorney-client privilege, such
8 documents need not be produced but a privilege log pursuant
9 to Rule 26(b)(5) must be produced within 20 days.

10 Dated: May 11, 2005

11 /s/ Bernard Zimmerman

12 Bernard Zimmerman
13 United States Magistrate Judge

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